

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



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87

Subject:
Towing Services and Circumstances

Approved by:

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

Steven D. Hebbe, Chief of Police



PURPOSE:

To establish guidelines for the towing and impounding of motor vehicles.

POLICY:

It is the policy of the Farmington Police Department to remove vehicles from the roadway or other property, public or private by towing, when it is reasonably necessary to: safeguard the vehicle and/or its contents; to facilitate public safety and health in regards to unsafe vehicles, unlawfully operated vehicles, traffic obstructions, abandoned vehicles, or emergency situations; to lawfully seize a vehicle or its contents for evidentiary purposes; and to assist the highway user encountering mechanical or other difficulties necessitating assistance or towing services.

PROCEDURE:

Towing Services:

Towing services are listed in alphabetical order on a call-out log which is maintained at the San Juan County Communications Authority. The tow services will be contacted in a rotation type manner, equally distributing the calls for service.

Towing services wishing to be listed on the rotating call-out log shall comply with all requirements of Transportation and Highways, Motor Carrier General Provisions, Towing Services, NMAC 18.3.12, and shall be subject to annual compliance checks or at any time upon demand of the Farmington Police Department.

Towing services on the call-out log shall take steps to ensure the property rights of the lawful owner of the vehicle by requiring that vehicles are released only to the registered owner of the vehicle, or, in circumstances wherein the registered owner is incapacitated, unavailable, or otherwise incapable of personally retrieving their vehicle, the towing service may release the vehicle to an authorized designee of the registered owner.

When releasing the vehicle to persons other than the registered owner, the towing service shall require written and notarized documentation from the registered owner authorizing the designee to retrieve the vehicle. The towing services shall also require suitable verification of the designee's identity. Acceptable forms of identification include a valid driver's license or identification card, passport, or other verifiable, government-

issued, photo-bearing identification. Photo copies of the authorization and identification of the owner's designee shall be maintained for a suitable time period as part of the business records of the towing service.

A towing service will be summoned at the request of the officer handling the event by the Emergency Dispatcher. The Emergency Dispatcher will attempt to contact the current towing service in rotation through a phone number supplied by that towing service. If the towing service is unable to respond because the service is already committed, that service will be skipped and placed at the bottom of the rotation, and the next towing service in rotation will be contacted. The towing service shall provide to the Emergency Dispatcher an estimated time of arrival by which they will arrive on scene, fully equipped, and able to fulfill the requested responsibilities.

Dispatch will notify the officer of the expected time of arrival after contacting the towing service. If the towing service exceeds the expected time of arrival, the officer has discretion as to whether to allow the towing service to continue its response or to cancel the towing service and contact the next towing service on rotation. Towing services that exceed the agreed upon time of arrival and are subsequently canceled by the requesting officer shall be placed on the bottom of the rotation list.

Roadway conditions, traffic volume, and other factors may unduly impact the safety of officers, passerby, and other citizens or may otherwise unduly risk ongoing property damage or loss. For this reason, officers may use discretion as to whether the initial expected time of arrival is reasonable due to circumstances on scene. In the event the initial expected time of arrival is not reasonable, the towing service should be canceled and placed back on the top of the tow rotation.

If a towing service is out of service, does not answer the page within a maximum of five minutes, or the dispatcher is unable to make contact with the towing service, that service is passed over that time in the rotation and will be placed at the bottom of the rotation.

Citizen's Request:

In cases of specific requests by citizens for towing services, those calls will be logged separately from the rotation log. The rotation is not affected by a citizen's request.

Citizen's requests for towing are appropriate in situations where the owner or authorized operator of a vehicle would like a vehicle removed by a specific towing service of their choosing. A citizen's request should only be completed when the owner or authorized operator of the vehicle has the ability to safeguard any items of value in the vehicle prior to the vehicle being removed. As such, citizen's requests are not appropriate in situations where the vehicle is going to be lawfully removed based on a law enforcement action, such as an arrest, or in situations where the owner or authorized operator are incapacitated, such as an injury crash.

Officers, Emergency Dispatchers or any other employees of the Farmington Police Department will not recommend a towing service while on duty.

Mandatory Vehicle Inventory:

Any vehicle towed at the direction of a law enforcement officer shall have a complete inventory of the vehicle's contents performed to protect the Farmington Police Department from liability and to safeguard the property rights of the owner of the vehicle's contents. Items of obvious value shall be itemized on the tow form. Items or property (such as firearms) which constitute a significant potential threat to public safety when not under the direct control of the owner, shall be taken into safe keeping and entered into evidence as such until such time as the property owner can retrieve the item(s). Items or property which appear to have extreme monetary value

shall be taken into safe keeping and entered into evidence as such until such time as the property owner can retrieve the item(s). In cases of a citizen's request for a towing service as described above, a Vehicle Inventory is not necessary. *For example, an officer responds to a disabled vehicle in the roadway, once arriving on scene, the driver requests a specific tow company respond to the scene to tow the vehicle. A Vehicle Inventory is not conducted by the officer.* In the event a vehicle is towed pending a search warrant, an inventory will be completed as the search warrant is executed.

Circumstances Under Which Vehicles May Be Towed:

An officer may consider alternative methods of releasing the vehicle to the licensed owner, other than removing of a vehicle by towing, under situations wherein the volume of calls for service, roadway conditions, or other circumstances or factors allow for an officer to research alternative methods. An officer may not release a vehicle to a person who has consumed alcohol or who is suspected of otherwise being impaired.

An officer may consider towing a vehicle under any of the following circumstances:

1. Whenever the operator of the vehicle has been arrested, injured, or otherwise incapacitated;
2. Whenever the operator of the vehicle has been lawfully restricted from entering upon the property on which the vehicle is located;
3. Whenever the operator of the vehicle is found to have suspended or revoked driving privileges and there exists no properly licensed driver, designated by the owner of the vehicle, readily available to drive the vehicle;
4. The vehicle's registration has been expired for at least one year or more and lacks required insurance;
5. The vehicle lacks licensing authorizing lawful operation on the roadway;
6. Whenever the condition of the vehicle or vehicle's equipment precludes the safe operation of the vehicle on the roadway;
7. Whenever the vehicle is evidence of a crime or the vehicle contains evidentiary items and a search warrant is needed to secure the evidence;
8. Whenever the vehicle constitutes contraband or is subject to forfeiture;
9. Whenever the vehicle is found to be a stolen motor vehicle;
10. Whenever the location of a vehicle standing upon any position of the roadway constitutes an immediate traffic hazard or obstructs the flow of traffic on the roadway;
11. Whenever the removal of a vehicle is necessary to complete roadway maintenance and a reasonable attempt to contact the vehicle's owner or designee is unsuccessful;
12. Whenever the removal of a vehicle is necessary to protect life and property, or it is otherwise in the interest of public safety during a general emergency, to include fire, flood, snow removal, or other emergency conditions;

13. Whenever a vehicle is abandoned and, pursuant to Section 25, Article 6, of the Farmington City Ordinance, required efforts to contact the owner of the vehicle have been unsuccessful; or
14. Upon the request of the lawful owner of the vehicle.

Vehicles and Objects Placed in the Farmington Police Impound/Evidence Lot:

Vehicles and other large objects unsuited for storage in enclosed facilities may be stored in the Farmington Police Department Impound Lot located at the Farmington Police Department. All vehicles and objects stored at the facility shall be entered into ~~evidence, including having been entered into~~ the LERMS Evidence Tracking System; immediately upon being placed within the impound lot. The case officer shall ensure the tow company's name of whichever tow company was used to tow the vehicle or object to the impound lot is put in the "description" block in the LERMS evidence entry. A LERMS evidence label shall immediately be printed out and placed inside one of the secure lockers in the evidence room. This will notify the evidence technicians that a vehicle or object has been placed in the impound lot. -All vehicles and objects shall ~~also~~ have a weather resistant, metal tag secured to the vehicle or object if the vehicle or object will remain in the impound lot for an extended period of time or could be affected by inclement weather conditions or extended sun exposure ~~-exposure~~. The weather resistant metal tag shall be etched with the case or incident number with which the evidence is associated as well as the name and badge number of the officer placing the item into evidence.

Vehicles and large objects of evidence may only be placed into the impound lot under the authority of the On-Call Detective or Shift Supervisor or, in the alternative, under the authority of any Sergeant or Lieutenant in charge of an investigation requiring the securing of a vehicular or other large objects into evidence.

In order to ensure that property not intended for forfeiture is returned to the owner in a timely manner, the On-Call Detective or Supervisor approving entry of the vehicle or object into the impound lot shall ensure that any needed processing for evidence is carried out in a timely manner, as well as the timely completion of any needed reports, supplements, or property owner notifications.

Search Warrant Procedures – Resulting in Seized Evidence

When a vehicle is seized pending a search warrant, the case officer shall ensure the vehicle is secured with evidence tape on all doors, hatches, hoods, trunks, and all other methods of entry to protect the integrity of the pending search. The vehicle shall be escorted by an officer, Community Service Officer (CSO), or Animal Control Officer (ACO) from the scene to the Farmington Police Department Impound lot. Prior to entry, and upon exiting the Impound Lot, the officer's on-duty supervisor will need to disarm the alarm utilizing the app on a smartphone in addition to using a keycard to open the Impound lot gate. The case officer or their designee shall notify the tow company to keep the tow ticket open pending execution of the search warrant. The case officer shall ensure the vehicle is entered into the LERMS Evidence System when the vehicle is placed into the impound lot. The case officer shall ensure the tow company's name of whichever tow company was used to tow the vehicle or object to the impound lot is put in the "description" block in the LERMS evidence entry. A LERMS evidence label shall immediately be printed out and placed inside one of the secure lockers in the evidence room. This will notify the evidence technicians that a vehicle or object has been placed in the impound lot.

Once the search warrant is executed, if narcotics, narcotics paraphernalia, stolen items, or any other ~~crime-related materials~~ evidence of a crime(s) is found during the search, the case officer shall ensure the original tow company is notified to pick up the vehicle from the impound lot and take it to the tow company's tow yard. The towing costs for both trips shall be placed on the original tow ticket bill and the registered owner of the vehicle shall be required to pay for the tow ticket bill directly to the tow company. The case officer or his designee will

complete a vehicle inventory and tow form when the vehicle is released back to the tow company who takes possession of the vehicle and takes it back to their tow facility. The tow and inventory form does not need to be completed on the initial tow when the vehicle is taken from the scene to the Farmington Police Department Impound lot. The case officer shall ensure the vehicle is entered into the LERMS Evidence System when the vehicle is placed into the impound lot. The case officer, after printing the evidence label for the vehicle, will also print the Property Receipt. Prior to releasing the vehicle back to the tow company, the case officer shall ensure a copy of the tow sheet is given to the tow company and a copy of the search warrant along with the return and inventory is left inside the vehicle. After Upon removing the vehicle from the Impound lot, the case officer shall place the signed (by tow truck driver) property receipt tow and inventory form into the in-basket located in the evidence processing room or give directly to an evidence technician if normal business hours.

The vehicle will not remain in the impound lot longer than reasonably necessary to execute a search warrant and inventory unless the vehicle is retained pending forfeiture or other investigative methods must be completed.

Search Warrant Procedures – No Evidence Seized

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In cases where evidence of a crime is not located during the execution of a search warrant, the tow ticket will be closed out and the Farmington Police Department will be responsible for paying for the tow ticket bill. It is the case officer's responsibility to notify the tow company to send the tow bill to the Farmington Police Department. A tow inventory form shall be completed as required for the initial tow from the scene to the impound lot. The case officer will ensure the vehicle is left in the impound lot. The case officer shall notify the Civilian Operation Supervisor, or an evidence technician, that the LERMS status can be changed to RELEASE at the conclusion of the execution of any search warrants. The registered owner shall be notified in a timely manner to allow them to retrieve the vehicle from the impound lot. If the vehicle is not retrieved by the registered owner in a timely manner after notification, the Farmington Police Department may remove the vehicle by having it towed from the lot. When releasing the vehicle to the owner, the evidence technician shall call SJCCA to have an officer dispatched to escort the evidence technician and owner(s) into the impound lot and remain there until the vehicle is released.

If detectives, gang unit detectives, Region II Narcotics agents or any other investigator takes over a case from the initial case officer, they will become the case officer and will be responsible for the disposition of all property in evidence to include vehicles or objects placed in the Farmington Police Department Impound Lot.

Recovered Stolen Vehicles

When stolen a vehicle is recovered and towed to the Farmington Police Department Impound lot, the City of Farmington will pay for the cost of the tow. A tow inventory form will be completed when the vehicle is placed into the impound lot. The inventory section of the tow inventory form may be left blank until all investigative searches or search warrants are completed. The vehicle will be placed into the LERMS Evidence System when it is placed in the impound lot as soon as practicable. The registered owner shall be notified in a timely manner to allow them to retrieve the vehicle from the impound lot when the case officer determines the vehicle is no longer needed for investigative purposes. If the vehicle is not retrieved by the registered owner in a timely manner after notification, the Farmington Police Department may remove the vehicle by having it towed from the lot.

